AO 441 (Rev. 5/85) Third Party summons in a Civil Action

## **United States District Court**

## Northern District of Oklahoma

STATE OF OKLHOAMA, ex rel., et al. PLAINTIFF

٧.

THIRD PARTY SUMMONS IN A CIVIL ACTION

TYSON FOODS, INC. et al.

**DEFENDANTS AND THIRD-PARTY PLAINTIFFS** 

v.

CASE NUMBER: 05-CV-0329-JOE-SAJ

City of Tahlequah, et al.

THIRD PARTY DEFENDANTS

To:

Virgina M. Peyton individually and as Trustee of The Peyton Family Trust d/b/a Peyton's Place 10298 Highway 10, Tahlequah OK 74464

YOU ARE HEREBY SUMMONED and required to file with the clerk of this court and serve upon

## **PLAINTIFF ATTORNEY**

Douglas Allen Wilson Melvin David Riggs Richard T. Garren Sharon K. Weaver Riggs Abney Neal Turpen Orbison & Lewis 502 West 6<sup>th</sup> Street Tulsa, OK 74119-1010

## DEFENDANT AND THIRD PARTY PLAINTIFFS ATTORNEYS:

A. Scott McDaniel Joyce, Paul & McDaniel PLLC 1717 South Boulder, Suite 200 Tulsa, OK 74119 For Peterson Farms

Robert W. George Kutack Rock LLP The Three Sisters Building 214 West Dickson Street Fayetteville, AR 72701-5221 For Tyson Foods, Inc.

R. Thomas Lay Kerr, Irvine, Rhodes & Ables 201 Robert S. Kerr Ave., Suite 600 Oklahoma City, OK 73102 For Willow Brook Foods, Inc. Robert P. Redemann Lawrence W. Zeringue

 $David\ C\ . Senger$ 

Perrine, McGivern, Redemann, Reid,

Berry & Taylor, PLLC P. O. Box 1710 Tulsa, OK 74101-1710 For Cal-Maine Foods, Inc.

George W. Owens Randall E. Rose The Owens Law Firm, P.C. 234 West 13<sup>th</sup> Street Tulsa, OK 74119 For George's Inc.

John R. Elrod Vicki Bronson Conner & Winters, P.C. 100 West Center Street, Suite 200 Fayetteville, AR 72701

Fayetteville, AR 72701 For Simmons Foods, Inc.

an answer to the Third-Party Complaint which is herewith served upon you within 20 days after the service of this summons upon you exclusive of the date of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Third-Party Complaint. There is also served upon you herewith a copy of the Complaint of the Plaintiff. You have the option of answering or not answering the Plaintiff's Complaint unless (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, and (2) the Third-Party Plaintiff is demanding judgment against you in favor of the original Plaintiff under the circumstances described in Rule 14(c) Federal Rules Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of Plaintiff as well as to the claim of the Third-Party Plaintiff.

Phil Lombardi		MAR 1 5 2006
Clerk	Date	
D. Marcent		
(By) DEPUTY CLERK	····	

RETURN OF SERVICE				
Service of the Summons and complaint wa	as made by me <sup>(1)</sup> DATE	4-1-06		
NAME OF SERVER (PRINT)	MONR TITLE		SERVER	
Check one box below to indicate appropriate method of service				
Served personally upon the th	nird-party defendant. Plac	ce where served:		
Left copies thereof at the thin discretion then residing there	d-party defendant's dwell in.	ing house or usual place of ab	ode with a person of suitable age and	
Name of person with whom the summons and complaint were left:				
ARCHIE PRYTON				
Returned unexecuted:				
Other (specify):				
		OF SERVICE FEES		
TRAVEL	SERVICES		TOTAL	
DECLARATION OF SERVER				
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.  Executed on Date Signature of Server				

(i) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.